

REMARKS

Claims 1 and 4-9 remain in the application.

Non-statutory Double Patenting Rejections

Claims 1 and 4-9 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-25 of US Patent 6,420,128.

Applicants file herewith a terminal disclaimer from US Patent 6,420,128 in compliance with 37 CFR 1.321(c) in order to overcome the actual or provisional rejection based on a nonstatutory double patenting ground. Applicants confirm that the '128 patent is commonly owned with the present application.

The Commissioner is authorized to charge the terminal disclaimer fee of \$130.00 to Deposit Account No. 10-0750 (Johnson & Johnson/LFS0214/MM); the commissioner is also authorized to charge any further fees that may be necessary or to credit any overpayment to Deposit Account No. 10-0750.

CONCLUSION

Applicants respectfully request that, in light of the explanations above, and the filing of a terminal disclaimer, the Examiner will reconsider and withdraw her rejections. Applicants respectfully submit that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicants invite the Examiner to telephone the undersigned at direct dial 408 956-4790 so that issuance can be expedited.

Respectfully submitted,

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